(First Proposed Change is on Pg.163 In Utah State Board of Education Special Education Rules)

VIII.L.5. Students with disabilities who are covered by public benefits or insurance. (§300.154(d))

b. With regard to services required to provide a FAPE to an eligible student as described in this section, the LEA:

(1) May not require parents/adult students to sign up for or enroll in public insurance programs in order for their student to receive a FAPE under Part B of the IDEA.

(2) May not require parents to incur an out-of-pocket expense, such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided as described in this section, but may pay the cost that the parent otherwise would be required to pay. (See VII.K.11)

(3) May not use a student's benefits under a public insurance program if that use would:

(a) Decrease available lifetime coverage or any other insured benefit;

(b) Result in a family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school;

(c) Increase premiums or lead to the discontinuation of benefits or insurance; or

(d) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

(4) Must obtain a one-time written consent from the parent/adult student, after providing the written notification described below in (5), before accessing the student's or the parent's public benefits or insurance for the first time. This consent must specify the:

(a) Personally identifiable information that may be disclosed (e.g., records or information about services that may be provided to a particular student;

(b) Purpose of the disclosure (e.g., billing for services);

(c) Agency to which the disclosure may be made (e.g., Medicaid).

(d) Parent/adult student understands and agrees that the public agency may access the student's or parent's public benefits or insurance to pay for services.

(5) Must provide written notification to the student's parents/adult student before accessing the student's or the parent's public benefits or insurance for the first time and prior to obtaining the one-time parental consent and annually thereafter. The written notification must explain all of the protections available to parents/adult student under Part B, to ensure that parents/adult students are fully informed of their rights before a public agency can access their or their student's public benefits or insurance to pay for services under the IDEA. The notice must be written in a language understandable to the general public and in the native language of the parent/adult student or other mode of communication used by the parent/adult student, unless it is clearly not feasible to do so.

Old section VIII.L(5)(b)(5) becomes section (6)

<u>(Second Proposed Change is on Pg.158 In Utah State Board of Education Special Education Rules)</u>

VIII.J. PROVISION OF TECHNICAL ASSISTANCE. (§300.704(b)(4)(i))

1. Each LEA in the State shall have the ability to access technical assistance from the USOE Special Education Services.

    a. The USOE is responsible for establishing and maintaining communication links with all LEAs as well as offering technical assistance to support LEAs in providing appropriate special education services to students with disabilities.

    b. The TAs also assist LEA administration and program staff in developing and delivering inservice training programs designed to provide personnel with the schools and competencies needed to work effectively with students with disabilities.

c. The USOE staff assists LEAs in ensuring continued compliance with State and Federal special education law, including the resolution of allegations of noncompliance received under the State complaint, mediation, and due process hearing procedures.

(Third Proposed Change is on Pg.51-52 In Utah State Board of Education Special Education Rules)

II.J.(10)(c)(4)(h)(iii) – Specific Learning Disability

(A) Must produce a report that shows a significant discrepancy, based on a commercial software program that employs a clearly specified regression formula that considers the relationship between the intelligence and ability achievement tests as well as the tests' reliability and

(B) Document the team's consideration of the discrepancy report and the team's determination of whether or not it represents a significant discrepancy.